

SB2882



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2882

Introduced 2/1/2012, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Adopt-A-Park Act. Establishes a program that allows private citizens to support municipal, township, county, and State anti-litter efforts by allowing groups to adopt a park or a section of a park for the purpose of litter collection. Creates provisions concerning definitions; participation in Adopt-A-Park program; agreements to Adopt-A-Park; responsibilities of the group; responsibilities of the sponsoring jurisdiction; signs identifying sections or parks adopted by a group; safety training for groups; other conditions a sponsoring jurisdiction may implement; and additional penalties for violating the Litter Control Act. Effective July 1, 2012.

LRB097 17114 CEL 62312 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Adopt-A-Park Act.

6 Section 5. Purpose. The Adopt-A-Park program allows
7 private citizens to support municipal, township, county, and
8 State anti-litter efforts by allowing groups to adopt a park or
9 a section of a park for the purpose of litter collection. The
10 following Sections set forth the uniform guidelines and
11 requirements for the administration of Adopt-A-Park programs
12 in the State of Illinois.

13 Section 10. Definitions. For the purposes of this Act:

14 "Adopted section" means a portion of a park or an entire
15 park identified by the sponsoring jurisdiction as a safe,
16 adoptable section for adoption by a group. Sections of parks
17 may be determined inappropriate for adoption for safety
18 reasons.

19 "Department" means the Illinois Department of Natural
20 Resources.

21 "Director" means the designee or designees of the
22 Department or for any municipality, township, or county who has

1 responsibility for the administration of a park's Adopt-A-Park
2 programs.

3 "Group" means members or employees of civic or
4 not-for-profit organizations, and commercial or private
5 enterprises, who have requested to participate, or are
6 participating in, an Adopt-A-Park program.

7 "Group coordinator" means the individual selected by a
8 group to serve as its liaison with a sponsoring jurisdiction.

9 "Group president" means the individual who is the
10 recognized leader, president, or chairman for a group.

11 "Litter" means any unsightly or offensive matter that may
12 include, but is not limited to, disposable packaging,
13 containers, cans, bottles, paper, ashes, and cigar and
14 cigarette butts. Litter does not include hazardous, heavy,
15 large items, or carcasses.

16 "Park" means any real property designated as a county,
17 township, municipal, or State park, including, but not limited
18 to, parks, memorials, conservation areas, fish and wildlife
19 areas, recreational areas, boating access areas, dams,
20 wetlands, trails, lakes, rivers, or canals.

21 "Sponsoring jurisdiction" means the Illinois Department of
22 Natural Resources or any municipality, township, or county that
23 establishes Adopt-A-Park programs within its jurisdictional
24 area.

25 Section 15. Participation in Adopt-A-Park program. Groups

1 may apply to a sponsoring jurisdiction for participation in the
2 jurisdiction's Adopt-A-Park program. The sponsoring
3 jurisdiction shall establish the terms and procedures groups
4 must follow in applying for participation in the Adopt-A-Park
5 program.

6 Section 20. Agreement.

7 (a) The sponsoring jurisdiction shall have sole
8 responsibility in determining whether an application is
9 rejected or accepted. If an application is approved, the group
10 coordinator and group president shall execute a written
11 agreement with the sponsoring jurisdiction that provides for
12 the group's participation in the Adopt-A-Park program.

13 (b) The agreement shall be in the form prescribed by the
14 sponsoring jurisdiction and shall, at a minimum, contain the
15 following:

16 (1) an acknowledgment by the group of the hazardous
17 nature of the work involved in participating in the
18 Adopt-A-Park program;

19 (2) an agreement to comply with the terms and
20 conditions in the Act and any other terms and conditions
21 required by the sponsoring jurisdiction;

22 (3) an agreement that the volunteers or the volunteer's
23 agents shall assume all liability for and hold the State
24 and the State's agents or employees harmless from any and
25 all claims of action resulting from the group's volunteers

1 or agents work in the program, except for the negligent
2 acts of the State, and the State's agents or employees;

3 (4) an agreement that the volunteers or the volunteer's
4 agents shall assume all liability for and hold the
5 sponsoring jurisdiction and the sponsoring jurisdiction's
6 agents or employees harmless from any and all claims of
7 action resulting from the group's volunteers or agents work
8 in the program, except for the negligent acts of the
9 sponsoring jurisdiction and the sponsoring jurisdiction's
10 agents or employees;

11 (5) an agreement that the members of the group are
12 jointly and severally bound by the terms and conditions set
13 forth in the agreement; and

14 (6) the respective responsibilities of the group and
15 the sponsoring jurisdiction as contained in Sections 25 and
16 30 of this Act.

17 Section 25. Responsibilities of the group. Groups
18 participating in an Adopt-A-Park program shall:

19 (1) be required to obey and abide by all laws and
20 regulations relating to safety and any other terms and
21 conditions as required by the sponsoring jurisdiction;

22 (2) provide one adult supervisor for every 5 youths
23 when persons under age 18 are present on an adopted
24 section;

25 (3) not allow a person under the age of 10 to be a

1 member of the group who would be volunteering for the
2 purpose of litter collection;

3 (4) require all group members to attend a safety
4 meeting conducted by the group before participation in any
5 litter collection along an adopted section;

6 (5) require the group coordinator, or designee, to
7 conduct group safety meetings and to receive safety
8 training as required by the sponsoring jurisdiction;

9 (6) adopt a section for a minimum of 2 years;

10 (7) collect litter along an adopted section 4 times a
11 year, or as required by the director;

12 (8) require the group coordinator to provide prior
13 notice, as required by the director, whenever the group
14 intends to collect litter along its adopted section;

15 (9) require group members to properly wear any safety
16 apparel provided by the sponsoring jurisdiction while
17 collecting litter on an adopted section;

18 (10) be responsible for prohibiting members from
19 possessing, consuming, or being under the influence of
20 alcohol or drugs while on an adopted section;

21 (11) maintain a first-aid kit and an adequate supply of
22 drinking water while members are collecting litter along an
23 adopted section;

24 (12) place litter in trashbags provided by the
25 sponsoring jurisdiction and place filled trashbags at a
26 location on the adopted section as designated by the

1 director; and

2 (13) not subcontract or assign its duties or
3 responsibilities to any other group or organization.

4 Section 30. Responsibilities of the sponsoring
5 jurisdiction. The sponsoring jurisdiction shall:

6 (1) determine the specific section of the park that is
7 adopted;

8 (2) erect a sign that conforms with Section 35 at each
9 end of an adopted section with the name or acronym of the
10 group displayed;

11 (3) provide a group with garbage bags;

12 (4) provide a group with safety apparel and signs
13 cautioning the public, if required by the sponsoring
14 jurisdiction; and

15 (5) remove filled garbage bags from an adopted section
16 as soon as practical after litter collection has occurred,
17 and shall otherwise be responsible for removing litter from
18 adopted sections only under unusual circumstances such as
19 to remove large, heavy, or hazardous items.

20 Section 35. Signs. Adopt-A-Park signs shall be uniform
21 Statewide in terms of shape, color, text, and location. The
22 Department shall develop and announce standards for
23 Adopt-A-Parks signs within 90 days of the effective date of
24 this Act. Nothing in this Act shall prohibit the sponsoring

1 jurisdiction and the Department from working cooperatively to
2 carry out the intent of the Adopt-A-Park program.

3 Section 40. Safety training. The sponsoring jurisdiction
4 shall develop the safety training programs that are to be
5 utilized by group coordinators in compliance with Section 25 of
6 this Act. Safety training programs shall be appropriate for the
7 various types of parks that may be adopted within a
8 jurisdiction.

9 Section 45. Other conditions.

10 (a) A sponsoring jurisdiction may establish other
11 procedures and requirements for the administration of its
12 Adopt-A-Parks programs. The procedures and requirements shall
13 not be inconsistent with any provision of this Act.

14 (b) The sponsoring jurisdiction shall have the right to
15 terminate an agreement if a group does not meet the terms and
16 conditions of its agreement, or if the group's involvement in
17 the Adopt-A-Park program is inconsistent with any other
18 restrictions or limitations established by the sponsoring
19 jurisdiction.

20 (c) No part of this Act shall prevent the execution of
21 intergovernmental agreements.

22 Section 50. Penalty for Litter Control Act violation.

23 (a) An individual convicted of violating Section 4 or

1 Section 5 of the Litter Control Act by disposing of litter in a
2 park may be required to adopt for 30 days a designated portion
3 of that park, including the site where the offense occurred.

4 (b) Item (2) of Section 30 of this Act does not apply when
5 an individual is required to adopt a portion of a park under
6 this Section.

7 Section 99. Effective date. This Act takes effect July 1,
8 2012.